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C O N F I D E N T I A L SECTION 01 OF 02 DJIBOUTI 000947

SIPDIS

NAIROBI ALSO FOR SOMALIA UNIT; DEPT FOR AF/RSA JUN BANDO

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TAGS: [DJ](#) [EU](#) [EWWT](#) [MOPS](#) [PHSA](#) [PREL](#) [SO](#)

SUBJECT: ESDP TO USE DJIBOUTI TO SUPPORT COUNTER-PIRACY OPS

REF: A. BRUSSELS 1745

[1](#)B. STATE 124034

Classified By: Amb. James Swan for reasons 1.5 (b)(d).

[1](#)1. (C) Summary: The EU's counter-piracy "Operation Atalanta" includes plans to base in Djibouti a small staff element, three surveillance aircraft, and a naval commando contingent, plus use Djibouti's fuel port to resupply participating naval vessels. The French (as EU President) have approached the GODJ (including President Guelleh) to obtain a one-year Status of Forces Agreement (SOFA) to permit these activities, and the GODJ appears favorable. The French Vice-Admiral in charge of the GOF's Indian Ocean naval assets reports that the planned ESDP operation envisions embarking naval commandos aboard merchant vessels. End summary.

[1](#)2. (SBU) French Ambassador to Djibouti Dominique DeCherf and Vice-Admiral Gerard Valin, French Commander of the Indian Ocean Maritime Zone, briefed selected members of the diplomatic corps Nov. 22 on European Security and Defense Policy (ESDP) counter-piracy plans (Ref A). Valin explained that under the Atalanta plan, Djibouti will host: (1) a small staff element to support the commander, who will be embarked on a naval vessel; (2) three P-3 reconnaissance aircraft -- French, German, and Spanish -- each with a support "tail" of approximately 70 personnel; and (3) a naval commando contingent. Djibouti's "Horizon Djibouti Terminals Limited" fuel port will also be used for refueling the ESDP naval assets.

[1](#)3. (C) French Ambassador DeCherf and Vice-Admiral Valin said they would meet with President Ismail Omar Guelleh to seek a SOFA with the GODJ for a period of one year. (The ESDP will also seek agreements with the Somali Transitional Federal Government and the Government of Kenya in support of Atalanta, DeCherf said.) Press reports indicate DeCherf and Valin met Guelleh Nov. 24. Djiboutian Foreign Minister Mahmoud confirmed to us that day that the SOFA proposal has been made and that Djibouti is receptive to concluding such an agreement. Presidency SecGen Ismail Houssein Tani also confirmed Nov. 25 that the GODJ would cooperate with the SOFA request.

FRENCH VIEWS ON PIRACY THREAT

[1](#)4. (C) In his Nov. 22 presentation, Valin said that recent pirate incidents showed those responsible were "professionals" using high-tech weapons, satphones, and global positioning systems. The pirates have shown they can operate up to 500 nautical miles from the East African coast and board vessels with up to a 10-meter high hull. Valin assessed that the current approach of a "zone defense" with

naval vessels stationed in the Gulf of Aden and Indian Ocean would continue to be ineffective. He explained that it typically takes less than 15 minutes from the time pirates are first spotted until they have control of the target vessel. Unless a naval patrol happens to be within sight of the attack, it can do little to prevent seizure of the ship.

15. (C) Valin asserted that "the only way" to offer protection to merchant vessels is to escort them with embarked naval commandos aboard. The ESDP plan envisions such an approach, and would focus on vessels that are especially vulnerable, i.e., those under 10 meters high and with top speeds of less than 18 knots. He described the main obstacles to implementing "Atalanta" as (1) lack of clarity over legal options for handling "persons under control (PUCs)," with the EU facing the further constraint of being unable to transfer alleged pirates to any countries that practice the death penalty; and (2) uncertainty over how permission for naval commandos to board merchant vessels will be communicated among the vessels, flag states, and the ESDP naval force. In Valin's review of the legal framework for dealing with PUCs, he cited various UNSC resolutions and the Montego Bay Law of the Sea Treaty, but not the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation. We provided him with a copy of the Convention and outlined U.S. views of its applicability (Ref B).

16. (C) Comment: Djibouti already hosts some 3,500 French forces (including a naval commando unit) as well as the U.S. Combined Joint Task Force - Horn of Africa. We expect the

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GODJ to be a cooperative partner in this ESDP operation. While the French of course have the EU presidency, we are unsure to what extent Valin speaks authoritatively for the full ESDP operation, and so defer to USEU Brussels for other details of the mission (e.g., such as were provided in the very informative Ref A).
SWAN